

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**UNITED STATES OF AMERICA** §  
§  
v. § **CRIMINAL CASE NO 9:12-CR-15(3)**  
§  
**FRANCISCO JAVIER BUSTOS** §

**ORDER ADOPTING REPORT AND RECOMMENDATION  
ON DEFENDANT'S COMPETENCY TO STAND TRIAL**

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration. Judge Giblin conducted a hearing to determine defendant's competency. After considering the examiner's findings, Judge Giblin filed his report and recommendation on defendant's competency to stand trial. Judge Giblin concluded that the defendant is competent pursuant to 18 U.S.C. § 4241.

The parties have not objected to the magistrate judge's findings and recommendation. The Court **ORDERS** that the report and recommendation on defendant's competency to stand trial [doc. #112] is **ADOPTED**. The Court further **ORDERS** and **FINDS** that, in accordance with the magistrate judge's recommendation, the examiner's report, and the parties' agreement, defendant, Francisco Javier Bustos, is competent to proceed pursuant to Title 18, United States Code, Section 4241. The Court finally **ORDERS** that Speedy Trial time is **EXCLUDED** from November 1, 2012, the date of Judge Giblin's order directing a mental examination [doc. #93], through the date of this order.

So **ORDERED** and **SIGNED** on March 5, 2013.

*Ron Clark*

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Ron Clark  
United States District Judge